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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUAN FLOREZ-MENDEZ, an individual and
AMBER COLLINS, an individual, and on
behalf of classes of similarly situated
individuals,

Plaintiffs,

v.

ZOOSK, INC., a Delaware corporation; and
SPARK NETWORKS SE, a German
corporation,

Defendants.

Case No. 4:20-cv-4929-KAW

**STIPULATION AND ORDER
REGARDING OBJECTIONS TO
PLAINTIFFS' NOTICE OF
DEPOSITION PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 30(B)(6)**

L.R. 6-1(a)

STIPULATION REGARDING OBJECTIONS
TO DEPOSITION NOTICE

4:20-cv-4929-KAW

1 Plaintiffs Juan Flores-Mendez and Amber Collins (“Plaintiffs”) and Defendant Zoosk, Inc.
2 (“Zoosk”) hereby stipulate to the following:

3 WHEREAS Plaintiffs served their Notice of Deposition Pursuant to Federal Rule of Civil
4 Procedure 30(b)(6) (the “Notice”) on May 18, 2021;

5 WHEREAS Plaintiffs’ counsel and Zoosk’s counsel met and conferred regarding the
6 Notice on September 9, 2021; and

7 WHEREAS the parties agreed that, as to certain of Zoosk’s objections to the Notice, it
8 would be the most efficient use of the parties’ and the Court’s resources to stipulate to preserve all
9 rights with respect to those objections rather than have Zoosk file and Plaintiffs respond to a motion
10 for a protective order as to those objections;

11 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and Zoosk
12 through their respective attorneys as follows:

13 1. The deposition sought by the Notice shall occur on October 12, 2021, commencing at
14 9:00 am in the New York office of Orrick, Herrington & Sutcliffe LLP, 51 W 52nd St, New York,
15 NY 10019.

16 2. The topics set forth in the Notice are modified to reflect the changes shown in Exhibit A
17 hereto.

18 3. The parties’ rights are expressly reserved with respect to any objection Zoosk may have
19 to the Notice based on one or more of the grounds set forth by Zoosk in its General Objections to
20 Plaintiffs’ First Document Requests and Plaintiffs’ First Set of Interrogatories (the “Preserved
21 Zoosk Objections”). Accordingly, Zoosk need not seek a protective order to preserve its rights as
22 to the Preserved Zoosk Objections and will not be deemed to have waived any of the Preserved
23 Zoosk Objections by proceeding with the deposition sought by the Notice without having first
24 sought a protective order based on the Preserved Zoosk Objection in question.

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1 Likewise, Plaintiffs will not be deemed to have acknowledged the validity of any of the
2 Preserved Zoosk Objections by going forward with the deposition sought by the Notice subject to
3 the Preserved Zoosk Objections.
4

5 Dated: September 24, 2021

FOR THE PEOPLE

6
7 By: /s/ Ryan McGee
8 RYAN MCGEE
9 Attorneys for Plaintiffs
10 Juan Flores-Mendez and Amber Collins

11 Dated: September 24, 2021

ORRICK, HERRINGTON & SUTCLIFFE LLP

12
13 By: /s/ Rebecca Harlow
14 REBECCA HARLOW
15 Attorneys for Defendants
16 Zoosk, Inc. and Spark Networks SE
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18 SO ORDERED, this _____ day of _____, 2021,
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21 _____
22 Hon. William H. Alsup
23 United States District Judge
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EXHIBIT A

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2 1. How the hacking group ShinyHunters perpetuated the Breach, exfiltrated
3 consumers' PII, and when the Breach occurred, including but not limited to the investigations and
4 analyses that led to those determinations, when those determinations were made, and who made
5 those determinations;

6 2. When and how You discovered the Breach;

7 3. The nature and extent of the PII, information, or data that was compromised in the
8 Breach, the period of time during which the compromise occurred, the number of users or
9 consumers affected by the Breach, the investigations and analyses that led to those determinations,
10 when those determinations were made, and the persons involved in making those determinations;

11 4. The measures You or others on Your behalf have taken from January 1, 2019 to July
12 22, 2020 to ensure the security of PII, including: the use of firewalls, encryption, and other industry-
13 standard techniques to segment PII from the remainder of Your computer networks and/or
14 computer systems (including any cloud infrastructure); the implementation of protocols that
15 encrypt or otherwise protect PII from unauthorized disclosure; and remedying any potential
16 vulnerabilities in Your computer networks and/or computer systems (including any cloud
17 infrastructure), code, or other electronic devices, storage devices, and software to prevent data
18 breaches or data disclosures.

19 5. The information-security related measures You or others on Your behalf have been
20 advised to take in response to the Breach with respect to Your computer networks and/or computer
21 systems (including any cloud infrastructure), or Your other electronic devices, storage devices, and
22 software.

23 6. The information-security related measures You or others on Your behalf have taken
24 in response to the Breach with respect to Your computer networks and/or computer systems
25 (including any cloud infrastructure), or Your other electronic devices, storage devices, and
26 software, including those measures which you plan to take and the schedule for the implantation or
27 completion of those measures.
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Attestation re Electronic Signatures

I, Rebecca Harlow, attest pursuant to Northern District Local Rule 5-1(i)(3) that all other signatories to this document, on whose behalf this filing is submitted, concur in the filing's contents and have authorized this filing. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 24, 2021

By: /s/ Rebecca Harlow
REBECCA HARLOW